IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.748 OF 2005

IN

CRIMINAL APPEAL NO. 60 OF 2005

Sunil Balaram Kadam ... Applicant
(Orig.Accused No.4)

V/s

The State of Maharashtra ... Respondents

Ms. Eva Almeida for applicant

Mr. D.P.Adsule, APP for respondents

Coram : V.M. Kanade,J.

Date : 17th February,2005

P.C.

. Heard the learned counsel for applicant. She states that applicant has been convicted by the trial court for an offence under section 326 of Indian Penal Code. The trial court has observed in its order that applicant was present on the date of incident. Considering the presence of applicant at the scene of offence, it was held that applicant was involved in the incident. The applicant is

sentenced to undergo rigorous imprisonment for a period of one year. The applicant was on bail during trial. It is admitted position that applicant who is one of the brother of accused Nos. 1 and 3 was present when the said incident took place. However, no overt act however has been attributed to him. There is no evidence to indicate that he showed the common intention or object of the accused. The appeal is not likely to come up for hearing for some time. Therefore, I direct the applicant be released on bail on the same terms and conditions as imposed by the trial court.

(V.M. Kanade,J.)